

21 OCTOBER 1947

I N D E X  
of  
WITNESSES

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I N D E X  
of  
EXHIBITS  
(none)

1                   Tuesday, 21 October 1947  
2                   - - -  
3  
4                   INTERNATIONAL MILITARY TRIBUNAL  
5                   FOR THE FAR EAST  
6                   Court House of the Tribunal  
7                   War Ministry Building  
8                   Tokyo, Japan  
9  
10                  - - -  
11                  The Tribunal met, pursuant to adjournment,  
12                  at 0930.  
13                  - - -  
14                  Appearances:  
15                  For the Tribunal, all Members sitting, with  
16                  the exception of: HONORABLE JUSTICE R. B. PAL, Member  
17                  from India and HONORABLE JUSTICE JU-A~~E~~ MEI, Member  
18                  from the Republic of China, not sitting from 0930 to  
19                  1600.  
20                  For the Prosecution Section, same as before.  
21                  For the Defense Section, same as before.  
22                  - - -  
23                  (English to Japanese and Japanese  
24                  to English interpretation was made by the  
25                  Language Section, IMTFE.)

1 MARSHAL OF THE COURT: The International Mili-  
2 tary Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present  
4 except SHIRATORI, who is represented by counsel. We have  
5 a certificate from the prison surgeon at Sugamo to the  
6 effect that SHIRATORI is ill and unable to attend the  
7 trial today. The certificate will be recorded and filed.  
8 - \* .

9 K O I C H I K I D O , an accused, resumed the stand  
10 and testified through Japanese interpreters as  
11 follows:

12 CROSS-EXAMINATION

13 BY MR. KEENAN (Continued):

14 THE PRESIDENT: Mr. Chief of Counsel.

15 Q Yesterday at the beginning of the session I  
16 asked you this question: I believe before the recess  
17 or after the recess on Friday I asked you if you would  
18 come back prepared to tell us the most notable incidents  
19 in your actions where you had advised the Emperor or  
20 urged the Emperor to lend his personal or his official  
21 powers toward subduing the militarists here in Japan.

22 You replied, "Yes, I recollect so," and then  
23 you asked for a correction in some of your testimony and  
24 we got off on a discussion of other matters.

25 I want to repeat that question to you now, and

1 ask you if you will confine your answer to matters other  
2 than those that you have related in your affidavit. In  
3 other words, Mr. KIDO, I hope that you will not under-  
4 stand that as an invitation to reread your 297-page  
5 affidavit, but if you pick out the prominent parts there-  
6 of and just name what they are, the question will be  
7 answered.

8 MR. LOGAN: If the Tribunal please, I object  
9 to the prosecutor limiting the witness as to where he is  
10 to obtain his material to answer this question. In the  
11 question itself he asked the accused to set forth the  
12 most notable incidents in his actions. Now, why should  
13 he be limited either to something in the affidavit or  
14 out of the affidavit?

15 MR. KEENAN: Mr. President, I accept that  
16 amendment, but I think I am making my purpose and the  
17 question clear, that I would like the most notable  
18 incidents briefly pointed out and not long disserta-  
19 tions about them. I think the witness thoroughly under-  
20 stands that.

21 THE PRESIDENT: Why should he repeat what is  
22 already in his affidavit? I could understand him add-  
23 ing incidents of a kind that are not already stated in  
24 his affidavit, if he has not already made an exhaustive  
25 statement on them.

1                   MR. KEENAN: Mr. President, I did not intend to  
2 limit it to statements made outside the affidavit, if  
3 he will just point out the instances where he did ask the  
4 Emperor to use his personal or official power to subdue  
5 these militarists. After all, this is cross-examination  
6 and we are not obliged to confine our questions, with  
7 great respect, to matters that have not been touched on  
8 in the affidavit, and indeed, that is one of the pur-  
9 poses of cross-examination, referring to such matters.

10                  MR. LOGAN: The implication in the question,  
11 if the Tribunal please, is that in his affidavit he has  
12 not set forth one of those instances, and that is why I  
13 say he should be permitted to point out several in-  
14 stances, either in the affidavit or out of it.

15                  THE PRESIDENT: Let him point out, first of  
16 all, those instances in the affidavit if they are not  
17 already fully indicated, if they can be amplified.

18                  A With regard to that, I should like to be per-  
19 mitted to say, first of all, that during my tenure of  
20 office as Chief Secretary to the Lord Keeper of the Privy  
21 Seal, I was not permitted to be given audiences with the  
22 Emperor, and therefore in those days my views were  
23 presented to the Lord Keeper of the Privy Seal. Hence,  
24 I do not know whether or not the views that I expressed  
25 to the Lord Keeper of the Privy Seal were actually

transmitted to His Majesty.

1        However, to give you an example: On the 4th of  
2        February in the year 1932 when the Minister of Finance  
3        of the time, Mr. TAKAHASHI, requested the Emperor to  
4        use his power to hold down the positive actions of the  
5        army, I, together with the secretary to the Genro,  
6        Baron HARADA, brought this matter broached by Mr.  
7        TAKAHASHI to the Lord Keeper of the Privy Seal. That is  
8        one example.  
9

10       THE INTERPRETER: The first statement should  
11       be corrected: Finance Minister TAKAHASHI requested that  
12       the Emperor use his power to restrain the militarists.

13       A (Continuing) This is mentioned in my affidavit,  
14       but after the May 15 Incident in 1932, I submitted my  
15       views and opinions to the Lord Keeper of the Privy Seal  
16       with regard to restraining the political advance being  
17       made by the army.

18       Then, jumping a number of years to 1940 when I  
19       was Lord Keeper of the Privy Seal, I submitted advice to  
20       the Throne, requesting that utmost care and prudence and  
21       the most careful consideration be given in connection  
22       with the question of advance into French Indo-China;  
23       that is to say, that utmost care and consideration was  
24       necessary in connection with the advance into French  
25       Indo-China.

1           THE INTERPRETER: I requested the Emperor to  
2 caution the military to this effect.

3           A (Continuing) I made a similar submission of  
4 advice to the Throne again in February, 1941, when  
5 the French Indo-China issue came up again; and then,  
6 going back again chronologically to September, 1940,  
7 I submitted advice to the Throne, and this was at the  
8 time the alliance pact was concluded between Japan and  
9 Germany -- between Japan, Germany, and Italy, and re-  
10 questing that necessary and due guidance be given in  
11 connection with the early settlement of the China Inci-  
12 dent, which was a cause or a factor which stimulated  
13 the United States.

14           Then with reference to the Imperial Conference  
15 of September 6, 1941, and of this I have already stated  
16 in my affidavit, there are questions from the lectern  
17 in which I amplified my testimony, and that is that I  
18 submitted advice to the Throne, asking His Majesty the  
19 Emperor to counsel the High Command to give its whole-  
20 hearted and earnest cooperation toward the continuance  
21 of the diplomatic negotiations with the United States,  
22 with a view to bringing about an amicable settlement.

23           I state this also in my affidavit, but just  
24 prior to the formation of the TOJO Cabinet, on the 17th  
25 of October, 1941, I requested the Emperor, without be-

1       ing bound in any manner by the decisions of the Im-  
2       perial Conference of the 6th of September, to counsel  
3       that profound and broad study and re-examination be  
4       made of the conditions both at home and abroad, and  
5       under orders and instructions from His Imperial Majesty  
6       this desire of the Throne was conveyed to General TOJO,  
7       the War Minister, and to Admiral OIKAWA, the Navy  
8       Minister; and on the 19th of November, 1941, I re-  
9       quested the Emperor to give the fullest possible con-  
10       sideration to questions -- to give the fullest possible  
11       and most careful consideration so as not to enter into  
12       any war against the United States at the end of November  
13       on the occasion in which I spoke to the Emperor about  
14       the prospect of the Japanese-American diplomatic nego-  
15       tiations.

16  
17       On November 26, 1941, I counseled His Majesty  
18       the Emperor to address inquiries to the Senior States-  
19       men --

20       THE INTERPRETER: -- as on this occasion the  
21       Emperor had requested me to give my opinion on the  
22       matter.

23       A (Continuing) Then, after the war began, on the  
24       5th of February, 1942, I counseled His Majesty the  
25       Emperor to grasp any opportunity to bring about the  
earliest possible termination of the war.

1        In 1943, in either May or June, I counseled the  
2 Emperor as to the advisability of bringing the war to  
3 the speediest possible conclusion. Later, as I have  
4 already pointed out in my affidavit, I have conveyed  
5 to the Throne my various ideas in connection with peace  
6 moves and peace efforts, and I have on each occasion  
7 received the approval of His Majesty.

8        If I should give you a detailed explanation,  
9 it would run into many hours, and therefore I shall  
10 conclude my present statement by saying that generally  
11 my efforts were as I have just described.

12        THE PRESIDENT: He has finished his answer,  
13 Mr. Keenan, as far as he proposes to give it.

14        In your affidavit, in the early part, you  
15 described matters that took place in September of 1931  
16 in Manchuria as constituting a plot -- I believe you  
17 used that word -- and a conspiracy.

18        What was your view of the movement of troops  
19 into Manchuria in 1931 on the 18th of September? Was  
20 that, in your opinion, justified?

21        MR. LOGAN: If the Tribunal please, I wish  
22 to point out that the Chief Prosecutor is asking this  
23 accused to forswear the issue.

24        THE PRESIDENT: He may be asked for the grounds  
25 of justification of it, what there was to warrant it

that he knows and if he approved it.

1           MR. KEENAN: Mr. President, on consideration  
2       it seems quite obvious that when an accused is on the  
3       witness stand, especially a man who occupied the  
4       position KIDO did, when you ask him his view and as  
5       to whether something was or was not justifiable, the  
6       rule of **forswear**ing: the issue does not prevail at  
7       all, and should not, in common sense. Of course, Mr.  
8       President, those matters will be ultimately for this  
9       Court to decide, and I am not asking this question  
10      of this witness in order to bring light to this Court  
11      on whether it was justifiable or not. But we want  
12      to show the state of this man's mind.

14       We have certain things he stated in his affi-  
15      davit, Mr. President. This witness in his affidavit  
16      has described this movement into Manchuria in matters  
17      just before and has used the term "plot" and "conspiracy"  
18      and many other derogatory and critical terms. I want  
19      to show, and I believe I can, that he went along,  
20      whether right or wrong, with this movement. I have a  
21      right to determine whether or not, using that language  
22      in direct examination, he is going to repudiate it in  
23      cross-examination. I want to ask this witness whether  
24      he was for the movement into Manchuria, whether he was  
25      for this invasion of China, whether he was for this

KIDO

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1 aggressive movement into Greater East Asia, whether he  
2 was for the attack on these powers. I want to show  
3 this man's statement. I want to see what he says  
4 about it now; and I think to attempt to foreclose that  
5 type of examination on the ground of forswearing the  
6 issue does not square with the mildest provisions of  
7 common sense.  
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1                   THE PRESIDENT: His state of mind, of course,  
2                   is an issue and you are entitled to ask him any ques-  
3                   tion which tends to show what he knew or what he  
4                   believed. If he is asked whether he thought the plot  
5                   to which he referred extended to the movements of  
6                   troops into Manchuria in September, 1931 there could  
7                   be no objection. That, in effect, is what he was asked.

8                   Answer that question: Did you think the  
9                   plot to which you referred extended to the movements  
10                  of troops into Manchuria in September, 1931?

11                  THE WITNESS: That was my belief on the basis  
12                  of the various information I received then.

13                  THE PRESIDENT: Did you approve of that  
14                  movement of troops into Manchuria in September, 1931?

15                  THE WITNESS: I was in no position to give  
16                  approval.

17                  MR. KEENAN: May I--

18                  THE PRESIDENT: We do not want his opinions  
19                  about matters when he says he was not responsible for  
20                  them.

21                  MR. KEENAN: Mr. President, that is a very  
22                  convenient method of escape for a witness. I think I  
23                  am entitled to have his state of mind at that time as  
24                  to whether he understood the conspiracy that was be-  
25                  ginning then, regardless of what office he held.

1                   THE PRESIDENT: You may ask him whether he  
2 knew of any conspiracy. I am not placing any limita-  
3 tion on your questions as to his knowledge and you  
4 may ask him further whether he joined it. There is  
5 no limitation on that either.

6                   MR. KEENAN: Mr. President, from my exper-  
7 ience and observation of this witness today I do not  
8 believe that I am going to be able to get the informa-  
9 tion I want by asking a simple question of him, "Did  
10 you join a conspiracy?" in cross-examination.

11                  THE PRESIDENT: I said you could ask him  
12 questions directed to show that he joined a conspiracy  
13 or that he knew of one. They could be simple and  
14 direct or they could be otherwise.

15                  MR. KEENAN: I think, with reference to the  
16 official act, that the record helps us so I put this  
17 question:

18                  Q     You have stated in paragraph 10, page 8,  
19 English version of your affidavit: "On June 23, 1931,  
20 in my official capacity as Chief Secretary to the  
21 Lord Keeper, Baron HARADA conveyed information to me  
22 about a plot on the part of military officers in  
23 Manchuria which to me was extremely regrettable as I  
24 was opposed to the Army's operations in Manchuria  
25 and China. This is shown from my diary entry of

June 23, 1931.

1        "Tuesday . . . At noon, attended \*\*\*!"  
2        luncheon, et cetera. "Learned from HARADA deplorable  
3        information concerning a serious scheme in Manchuria  
4        on the part of some military officers. It is another  
5        regrettable affair."

6        I want to ask you if you will tell this  
7        Court what information, briefly, Baron HARADA conveyed  
8        to you about a plot, what was the plot and on the  
9        part of what military officers, that you said was  
10       extremely regrettable and that you opposed and that  
11       you called deplorable and that you called a serious  
12       scheme in Manchuria on the part of some military  
13       officers. That was within five days of the Mukden  
14       Incident, so-called.  
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1                   THE PRESIDENT: It was no such thing. It  
2                   was on the 23rd of June, 1931. It may be even more  
3                   sinister on that account, but it was not within five  
4                   days of the 18th of September, 1931.

5                   MR. KEENAN: Mr. President, the document in  
6                   front of me, as processed, is so unclear that I could  
7                   not get the month.

8                   A     Various evidence has already been submitted  
9                   to this Court with regard to the conditions prevail-  
10                  ing at that time. Now, at that time the relations  
11                  between Japan and China were extremely aggravated,  
12                  and efforts were being made to settle the various  
13                  pending issues through diplomatic negotiations but  
14                  without avail. Under such conditions the Kwantung  
15                  Army officers in Manchuria were extremely indignant,  
16                  and information was coming in frequently that there  
17                  were indications that they might take very positive  
18                  armed action. And such being the situation, there  
19                  were indications that some form of direct armed action  
20                  might be taken, action completely divorced from any  
21                  plans or policies of the central authorities. Such  
22                  were the fears entertained at that time. And, as  
23                  the diary entry of this date indicates, there were  
24                  fears that such actions or such plans were underfoot  
25                  and such actions might be taken, and, if so, it would

1           be a most deplorable matter. That was the gist of  
2           our conversation.

3           Q     Was the plot then on the part of the Japanese  
4           officers or on the part of the Japanese Army?

5           A     According to information we heard at that  
6           time, it was to the effect that there seemed to be  
7           such movements within the Kwantung Army.

8           Q     Mr. KIDO, you keep referring in these  
9           questions to "according to information we had at  
10          that time." Did you change your views on it later  
11          on?

12          A     I acted on the basis of the information  
13          received at that time.

14          Q     You haven't answered the question, but I  
15          won't press it. You envisaged the establishment of  
16          a new state in Manchuria and Mongolia very shortly  
17          after this movement of troops into Manchuria in  
18          September of 1931, didn't you?

19          A     I learned that in January of the following  
20          year when senior staff officer ITAGAKI made a talk.

21          Q     Was ITAGAKI one of these leaders of the  
22          Kwantung Army that you referred to in reference to  
23          the plot just before and during the Manchurian in-  
24          vasion of September, 1931?

1 A At that I did not know ITAGAKI and was  
2 unfamiliar with what he was doing.

3 Q Well, you didn't have to know a man, did  
4 you, to know whether or not he was commonly under-  
5 stood to be engaging in a plot over in China?

6 A At that ~~time~~ ITAGAKI was senior staff officer  
7 in the Kwantung Army, and so he was directly con-  
8 nected with any movement of troops.

9 Q And did you not learn that there was not  
10 alone a new state contemplated of Manchuria and  
11 Mongolia but also for the purpose of unifying the  
12 present three or four Japanese organizations that  
13 were then in Manchuria and Mongolia under one Japan-  
14 ese organization placed under a Government-General?

15 A I learned about it at the time General  
16 MINAMI gave a lecture before the Throne.

17 Q You joined the KONOYE Cabinet in October  
18 of 1937 for the chief purpose of lending all aid to  
19 settling the matter in China; is that not correct?

20 A Yes.

21 Q And the War Minister at that time was  
22 SUGIYAMA?

23 A Yes.

24 Q And HIROTA was Foreign Minister?

1 A Yes.

2 Q Who was the Home Minister?

3 A At that time it was BABA.

4 Q Who else was Home Minister in that Cabinet  
5 during your service?

6 A After the demise of Mr. BABA, Admiral  
7 SUETSUGU became Home Minister.

8 Q Do you remember the date?

9 A I have no exact recollection, but I think  
10 it was around December.

11 Q Did you know him, the Admiral, before he  
12 became the Home Minister?

13 A No. May I correct myself? Just shortly  
14 before he became Home Minister he was cabinet  
15 counsellor. It is from that time that I knew him.

16 Q What is the duty, very briefly, of a  
17 cabinet counsellor?

18 A I think, according to the government regu-  
19 lations concerning cabinet counsellors, their main  
20 function was to serve as consultants to the Prime  
21 Minister in connection with bringing about an early  
22 termination of the China Incident.

23 Q Was that cabinet counsellor a special posi-  
24 tion created for that precise purpose, do I under-  
25 stand?

1 A Yes.

2 Q And the Home Minister, of course, briefly,  
3 among other things, had charge of the domestic  
4 agencies of preserving law and order in Japan, the  
5 police forces and the like, is that true?

6 A Yes.

7 Q And that, of course, was a very powerful  
8 position, wasn't it?

9 A Not specially powerful. It had a special  
10 position during the time of government by political  
11 parties. After the eclipse of the political parties  
12 it did not have any special powers.

13 Q Well, did it have control of the police  
14 forces of Japan?

15 A Yes, that is so.

16 Q Now, you have described this Admiral SUETSUGU  
17 as being an internationally known fascist. That is,  
18 I believe, your exact language in your affidavit. Is  
19 that statement correct? Would you abide by that?

20 A Yes.

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Q Were you not surprised to see such a man of such philosophy of government invited into the cabinet of Prince KONOYE?

A Yes, I was considerably surprised when Prince KONOYE told me about it.

Q Did you remonstrate with him as a close counsellor and friend not to invite any such man into his cabinet?

A I made no such remonstration; it was KONOYE's own job to select his ministers.

Q Well, you didn't object to sitting along at the cabinet table with a man who held such political creeds, did you?

A No, I did not register any objection.

Q Well, what was his view, Admiral SUETSUGU, on the Chinese matter? Was he anxious to clear that up very quickly, the China Affair so-called?

A As far as I know SUETSUGU himself said that the China Incident should be terminated as quickly as possible.

Q Well, did he specify whether it should be terminated as quickly as possible by peaceful methods or by exterminating all of the Chinese who resisted the army movements in China?

A I have no clear recollection as to that.

1           Q Well, I remind you, Mr. KIDO, that you told  
2 this Court that your chief purpose in joining the  
3 KONOYE Cabinet was to bring about an end to the China  
4 Affair speedily, and I am going to call your attention  
5 to the fact very shortly that he, SUETSUGU, was the one  
6 who epitomized the terms to be given to Chiang Kai-shek  
7 in December of 1937. You have already said that SUET-  
8 SUGU was an outstanding Fascist, and are you meaning  
9 to convey to this Tribunal that under those circum-  
10 stances you didn't have frequent and earnest conversa-  
11 tions with SUETSUGU to try to find out what his views  
12 were and how he intended to help to implement them in  
13 settling the China matter?

14          A What I am trying to tell you is that no dis-  
15 tinctions can be made, that he was not taking one side  
16 or the other.

17          There was an inquiry addressed by you about  
18 SUETSUGU epitomizing the peace terms, but this was not  
19 for the purpose of carrying on hostilities; the plan  
20 was drawn up for the purpose of advancing the peace  
21 negotiations smoothly. With regard to this matter, if  
22 permission may be granted me, I should like to give a  
23 fuller explanation.  
24  
25

1           Q    Mr. KIDO, I just asked you if you were attempting  
2 to convince this court that you did not have frequent  
3 and earnest conversations with SUETSUGU to determine  
4 what his views were upon the type of peace terms that  
5 should be given to China, what his views were. Did he  
6 want stiff or hard terms or liberal ones?

7           A    I did not know SUETSUGU well and I have hardly  
8 had any opportunity to discuss such matters with him.  
9 My talks among cabinet colleagues were held principally  
10 with Prime Minister KONOYE, the then Minister for Over-  
11 seas Affairs OTANI, and ARIMA and I have hardly had  
12 any opportunity to talk with SUETSUGU, and I learned of  
13 SUETSUGU's ideas for the first time at a cabinet meet-  
14 ing on the 17th of December, and I am perfectly willing  
15 to explain the situation at that time if permission may  
16 be given me.

17           Q    I am not asking for long explanations. I was  
18 asking for your position, that in view of the fact that  
19 you joined the cabinet for the chief purpose of settling  
20 the China Incident and Admiral SUETSUGU was there as  
21 special counsellor for that same purpose, if you did not  
22 get his views from him through earnest conversations  
23 with him, and I think your reply has been in substance  
24 that you did not. Is that correct?

25           A    Yes, as you say.

1 Q And the reason was -- the reason you give to this  
2 court is that you did not have any fair opportunity to  
3 learn his views. Is that right?

4 A Yes.

5 Q But you had cabinet meetings every two weeks?

6 A No, there were cabinet meetings twice a week.

7 Q I beg your pardon. Twice a week. Now, in  
8 December of 1937 the matter of opening up peace negoti-  
9 ations with Chaing Kai-shek through the intermediary of  
10 the German ambassador to China came up, did it not?

11 A Yes.

12 Q And on page 63 of the American text, paragraph  
13 77, you state, "In this case there was no proper liaison  
14 between the Cabinet and the High Command, whose attitude  
15 in the question, therefore, was not fully known to the  
16 Cabinet, causing deep concern to Prime Minister KONOYE."  
17 I call your attention to that statement, and I am asking  
18 you, and I wish you would use great care in answering  
19 the question, what you mean by the words "High Command,  
20 whose attitude in the question was not fully known."  
21 What attitude are you talking about? What do you mean  
22 by that word?

23 A That is the attitude of the High Command with  
24 respect to the question of settling the China Affair.

25 Q What do you mean by the attitude of the High

1 Command in settling the Affair? Was it the High Command  
2 of the Army that was going to determine whether the  
3 China Affair was or was not settled and upon what terms  
4 substantially?

5 A No, that was not the work of the High Command  
6 but inasmuch as the High Command was fighting in China  
7 it had a voice.

8 THE PRESIDENT: We will recess for fifteen  
9 minutes.

10 (Whereupon, at 1045, a recess was  
11 taken until 1100, after which the proceedings  
12 were resumed as follows:)

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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Captain Kraft.

CAPTAIN KRAFT: If the Tribunal please, we submit that IPS document No. 1632, exhibit No. 3341, record pages 31,392-3, lines 4-2 on the second page, is in substance an acceptable translation of the KIDO Diary of 12 December 1938.

Reference, prosecution exhibit No. 1135, KIDO's Diary of 6 September 1941, record page 10,216, line 3, delete "only." The sentence should read, "The Emperor should give a warning," etc.

THE PRESIDENT: Captain Kraft, if you will give a copy of these language corrections to the Language Section we will get a simultaneous translation.

Mr. Chief of Counsel.

BY MR. KEENAN (Continued):

Q The voice was a pretty powerful one, wasn't it?

A In any event there were hostilities going on; so the voice was strong.

Q Well, isn't it the truth that the Prime Minister of Japan, KONOYE, in December of 1937, was actually in the position where he had to find out from the High Command what terms of peace he really could offer to Chiang Kai-shek?

A The actual situation was that peace negotiations could not be conducted without adequate contact or liaison between the government and the High Command.

Q Well, at least when you use the term "the High Command, whose attitude on the question was not fully known to the cabinet," you really did mean that you couldn't fully determine what terms of peace the High Command would agree to; isn't that a fact?

A Speaking from my own position at the time, the ideas and position and attitude of the High Command were known to the cabinet only through the Minister for War. However, War Minister SUGIYAMA's explanations were not clear, and for that reason I received the impression that the question was not clear by any means.

Q Well, you have already stated more definitely than that in your affidavit that you failed to elicit any definite reply from SUGIYAMA at your request, on page 63?

A Yes.

Q That was "to your request," not "at your request."

A Yes.

1           Q    But what I am trying to find out from you,  
2 Mr. KIDO, is what was it that you failed to elicit  
3 any definite reply to, the terms of peace that could  
4 be given to Chiang Kai-shek? That certainly is a  
5 plain question. Can't I have a plain answer to it?

6           A    No, that was not so.

7           Q    Well, what was it that you were trying to  
8 find out from the High Command with reference to the  
9 peace negotiations with Chiang Kai-shek if it wasn't  
10 the terms of peace, generally, that they were to agree  
11 to?

12          A    That was the army's attitude toward the  
13 China Incident.

14          Q    What do you mean by attitude, whether they  
15 wanted the matter brought to a termination, or if so,  
16 how, or what the terms of peace were? Attitude is a  
17 very broad term. Can't you be more specific, please?

18          A    To SUGIYAMA I asked whether the army was  
19 dead serious in trying to bring an end to the China  
20 Affair, or whether it was intending to fight it out  
21 to the last. To this question SUGIYAMA's **reply** was  
22 somewhat vague and ambiguous, and at that point our  
23 talk was suspended.

24          Q    Well, was it for the War Minister to determine  
25 whether or not the matter would be fought out to the

1 end or was that for the Prime Minister and the Foreign  
2 Minister and the rest of the members of the cabinet  
3 to make the decision?

4 A That was the duty of the cabinet.

5 Q The fact is that you weren't able to get an  
6 answer to this question when you asked SUGIYAMA in  
7 December 1937?

8 A Yes, that is so.

9 Q Now, in paragraph 78, the next succeeding one  
10 on page 63, you finally come to some concrete under-  
11 standable terms, and you say "the peace terms offered to  
12 China through the good offices of the German Ambassa-  
13 dor had been studied," et cetera. Please tell us what  
14 were those peace terms.

15 A I do not recall the details.

1           Q   I haven't asked for the details. Give us the  
2 main points about them. You surely knew what they were?

3           A   I have no exact recollection at the present  
4 moment.

5           Q   Are you intending to tell this Court that when  
6 you went into that cabinet for the sole purpose of  
7 settling the China Incident with your warm friend,  
8 KONOYE, Prime Minister, that you have no recollection  
9 what the essential, main terms of peace were that were  
10 offered through the German Ambassador to Chiang Kai-shek  
11 in December of 1937? Are you telling that story to  
12 this Court, expecting them to believe it?

13          A   At that time there were some eleven to twelve  
14 items in the peace proposal, and I am stating now that  
15 I do not recall each and every one of them.

16          Q   It may be a painful process, but please start  
17 in and tell us which of the eleven main items you do  
18 remember.

19          A   Generally speaking, my recollections are that  
20 a general peace was sought through such terms as the  
21 recognition of Manchukuo and the recognition of a special  
22 area in North China. But I do not recall the particulars.

23          Q   Did you ever know about them at any time?

24          A   At that time, yes, as it came up for dis-  
25 cussion at the cabinet meeting. I wish to add only

1 this, that I was not the competent minister in charge  
2 of such matters and that at this date I do not remember,  
3 as a matter of fact; I have forgotten the details.

4 Q You were rather given to making diary entries  
5 about important matters, if my recollection is correct;  
6 isn't that true?

7 A Yes, generally.

8 Q And you had frequent conversations with Baron  
9 HARADA about that time, didn't you?

10 A Yes.

11 Q Do you remember that you discussed such matters  
12 with him?

13 A I have no recollection, but I should think  
14 there were. . .

15 Q And you had a conversation with Prince CHICHIBU  
16 about that subject, didn't you?

17 A I think that there was such an occasion.

18 Q By the way, very briefly, I think you have  
19 already expressed high admiration for Prince SAIONJI  
20 and also for Baron HARADA. What do you say about your  
21 confidence in his attempting to record the truth of  
22 conversations he had with you? Would you agree that  
23 they were dependable as far as his intent to so record  
24 them would be?

25 A HARADA was one of my very greatest friends

and I have had occasion to see two or three of his recorded diary entries, and I must say that unfortunately as to the accuracy of his recordings, I cannot place my utmost confidence.

Q Those instances that you did see of HARADA's recording in the SAIONJI Diary, did they refer to you, or things you said to him?

A Yes, among them some were in reference to me.

Q Were there also proposals with reference to the settlement of the China War made by General TADA, Vice-Chief of Staff of the Army?

A As far as I am concerned, I do not know.

Q I am asking you why you state, on page 63 of your affidavit, paragraph 78, "Nor am I aware what proposals were made by General TADA, Vice-Chief of Staff of the Army, to the government." Is that not clearly suggestive of the fact that there were some proposals made but that you were not acquainted with what they were? And by "proposals" I mean TADA's proposals.

A That is not what I meant. I do not even know that a proposal had been made by TADA.

Q In paragraph 79 on page 63, English version, you tell us that you received, while at a restaurant on the 16th of December, 1937, a note, a message, from the Prime Minister KONOYE. Is it not true that even

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1 on that date KONOYE himself could not determine from  
2 the High Command of the army group what they would  
3 agree to with reference to a China settlement?

4 A That was not so. The situation was as  
5 follows: KONOYE went so far as to hold a conference  
6 among the officials concerned and to submit what  
7 they had decided upon at the cabinet session this  
8 next morning.

9 THE INTERPRETER: Correction: KONOYE went  
10 so far as to hold a conference of those concerned  
11 and to submit what the meeting decided upon at the  
12 cabinet meeting the following morning.

13 A (Continuing) However, Prime Minister  
14 KONOYE entertained the apprehension as to whether  
15 or not the Army would actually seriously carry out  
16 the terms, and that boils down to one point and that  
17 is that the attitude of the War Minister himself  
18 was ambiguous. Thereupon, I was asked by him to  
19 question the War Minister. With regard to this  
20 matter, I have already fully stated in my diary  
21 entry of the 16th of December. And, in view of the  
22 request made by the Prime Minister, I put this question  
23 to the Minister of War, SUGIYAMA, at the cabinet  
24 meeting on the 17th.

25 As I have already stated in my affidavit,

1 we agreed that this term would be splendid for the  
2 purpose of bringing about a peace settlement between  
3 Japan and China, but further pointed out that this  
4 being a negotiation there may be demands on the  
5 part of the other side. And my question to him was:  
6 "To what extent was the Army willing to compromise  
7 in the event new demands, counter-demands -- counter-  
8 proposals were made by the other party?" and to this  
9 question put by me to him, War Minister SUGIYAMA  
10 said, "No, these are our minimum terms. If they  
11 do not accept these, then we shall continue resolutely  
12 with our armed action."

13 As a result of such a statement by the  
14 War Minister, the cabinet was immediately thrown  
15 into a state of turmoil. KONOYE himself was extremely  
16 worried over the situation thus created. His belief  
17 was that if the terms proposed by Japan were rejected  
18 by China, and China on its part started a strong  
19 counter-propaganda against Japan, then, in view of  
20 the fact that public opinion in Japan at that time  
21 was very strong, such a result would lead to a  
22 possible civil war within Japan itself. KONOYE  
23 worried because -- He especially worried because  
24 the Diet was about to reopen within a month at that  
25 time.

1            Thereupon, because of the very important  
2 relationship of this matter to the preservation  
3 of law and order in Japan, SUYETSUGU voiced the  
4 opinion that "At any rate, what is the use of  
5 putting forth peace terms that cannot be compromised  
6 upon?" And therefore, in order to provide some  
7 elasticity, flexibility, to them, he boiled these  
8 terms down to these 4 points.

9            Such being the attitude entertained by the  
10 Army, the cabinet's attitude was that at any rate  
11 these terms, that is, consisting of these 4 points,  
12 be proposed to China and then by such means peacefully  
13 and quietly pass on to another stage in the  
14 future. But, because the General Staff insisted  
15 on very strong terms --

16           THE INTERPRETER: Correction on the latter  
17 part: "...and then that Japan and China reach a  
18 closer stage of cooperation through future negotiations.  
19 But since the General Staff had already proposed very  
20 strong terms, we decided to present these terms, as  
21 presented by the General Staff, to the Chinese side.  
22 These terms were adopted by the cabinet."

23           A (Continuing) The cabinet further decided  
24 to entrust to the Foreign Minister the full authority  
25 with respect to the carrying into execution of the

1                   terms -- the handling of the terms.

2                   With regard to the question of policy,  
3                   there were no divergencies between the cabinet  
4                   and the high command -- general staff, Army General  
5                   Staff. Only, very great caution was given to the  
6                   matter of handling this matter through diplomatic  
7                   procedure.

8                   MR. KEENAN: What was the question asked of  
9                   this witness, please?

10                  THE WITNESS: Are you addressing me?

11                  MR. KEENAN: No.

12                  OFFICIAL COURT REPORTER: The previous  
13                  reporter has it upstairs.

14                  MR. KEENAN: We will pass that for the  
15                  moment.

16                  BY MR. KEENAN (Continued):

17                  Q      Were you in favor of giving concrete,  
18                  specific terms of peace to China through the German  
19                  Ambassador at that time, Mr. KIDO?

20                  A      My feelings were that if the Army -- if the  
21                  terms were submitted to China on the condition that  
22                  the Army would be willing to compromise, then I  
23                  thought the terms would be acceptable and splendid.  
24                  But in view of SUGIYAMA's reply to the questions  
25                  that I put to him, I anticipated that the negotiation

1 would end in utter failure if the terms were  
2 presented in that form.

3 Q Well, I am not able to quite grasp your  
4 meaning. Are you intending to convey your conclusion  
5 or belief that the General Staff was being consulted  
6 about the terms when you refer to their attitude,  
7 whether they wanted to settle -- make peace on  
8 any terms? Which was it? Which of the two?

9 A I could not clearly comprehend that question.  
10 May I have it repeated?

11 Q Yes, I will repeat it in brief form.

12 When you referred to the attitude of the  
13 Army, was it whether the Army -- you wanted to find  
14 out whether the Army would be willing to make peace  
15 on any terms, or what terms would be satisfactory  
16 to the High Command that they would implement into --  
17 carry out in a peaceful manner, or to make effective?

18 A The terms which were presented to the cabinet  
19 were terms discussed and agreed upon by the officers  
20 concerned. And thereupon I posed the question to  
21 the War Minister whether the Army was intending to  
22 carry the terms out seriously. When he said that if  
23 the Chinese side will not accept these minimum  
24 terms, he would take -- the Army would take resolute  
25 action --

1                   THE INTERPRETER: "I asked the War Minister  
2 if he would be willing that negotiations be conducted  
3 on the basis of those terms. But the War Minister's  
4 reply was that those terms represented the Army's  
5 minimum demands, and that if those terms were not  
6 accepted as such by the Chinese, the Army would take --  
7 continue positive actions."

8                   A (Continuing) And I was very much alarmed  
9 at this reply and surprised at this reply.

10                  Q You have told us that you don't remember  
11 what those terms were, so I will not press that any  
12 farther. But, do you remember whether they were  
13 couched in general terms or whether they were very  
14 specific? In other words, would they require some  
15 amplification, or were they clear as they were put  
16 and complete enough to serve as a basis for an under-  
17 standing for peace?

18                  A I have no exact recollection, but I feel  
19 that the terms were specific and provided -- and the  
20 terms provided were presented in considerable detail.

21                  Q Are you telling the Court now that you don't  
22 even remember what the 4 points were of the peace  
23 terms, the minimum 4 points?

24                  A I regret very much, but I do not remember  
25 the 4 points. All I remember is that all the former

1 points were included in these 4 points. The 4  
2 points were so couched as to include all the former  
3 terms.

4 Q But what the former terms were, you don't  
5 know?

6 A Yes, I do not remember them.

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1 Q And, you can't tell us for sure what even  
2 one of these four terms was?

3 (Mr. Logan approached the lectern.)

4 MR. KEENAN: I don't think we should have  
5 any suggestion from the defense counsel at this time,  
6 Mr. President. That is a perfectly admissible ques-  
7 tion and everyone in the courtroom knows it.

8 MR. LOGAN: If the Tribunal please, I have  
9 made no suggestion as yet. I haven't said a word.

10 MR. KEENAN: I don't presume you went to the  
11 lectern for a promenade.

12 MR. LOGAN: I object to the question, your  
13 Honor, as being repetitive. It has been answered  
14 three or four times already.

15 THE PRESIDENT: Objection upheld.

16 Q Are you sure that you ever did thoroughly  
17 understand what those four points were?

18 A Yes, at that time, I naturally understood  
19 them.

20 Q I will ask you if you didn't have a conver-  
21 sation on 21 December 1937 with Baron HARADA and if  
22 you didn't in such conversation make the following  
23 statement, and I quote:

24 THE MONITOR: Mr. Prosecutor, are you going  
25 to read any portion?

put one over on us."

1           Did you make that statement to Baron HARADA  
2         on the 12th day of December, 1937, exactly or in sub-  
3         stance as I read it to you?

4           MR. LOGAN: If the Tribunal please, there  
5         has been a great deal of discussion in Japan about  
6         the translation of the HARADA Diary. I would suggest  
7         that if the prosecution has the original in Japanese  
8         that the original Japanese be read to the witness,  
9         not a translation of a translation.

10           THE PRESIDENT: We rely on our Language  
11         Section to give us correct translations of any docu-  
12         ment that is used.

13           MR. LOGAN: But, you see, if the Tribunal  
14         please, this has been read in English. It has been  
15         translated by the Language Section here. Whether  
16         their translation is exactly the same as the original  
17         Japanese as it appeared in the diary entry is ques-  
18         tionable.

19           THE PRESIDENT: How will the witness be  
20         prejudiced if he answers "yes" or "no". If there is  
21         any question, we can have it repeated later by the  
22         Language Section.

23           MR. LOGAN: He may not be answering a  
24         question which appears -- the substance of which

1 appears in Baron HARADA's Diary, by this method.

2 In other words, what should be done is that  
3 our interpreters should be given the original document  
4 and then have it translated and see if their trans-  
5 lation compares with this English from some other  
6 translators from ATIS.

7 THE PRESIDENT: But, we will direct any  
8 measure to ensure that the correct diary entry is  
9 put to the witness.

10 MR. LOGAN: Well, then, we ask that the  
11 original diary entry in Japanese, as written by  
12 HARADA and SAIONJI, be read to the witness and trans-  
13 lated by our translators.

14 MR. KEENAN: Mr. President, we have no ob-  
15 jection to this witness being shown the original  
16 Japanese.

17 We might state to the Court that before any  
18 of these have been read, they have been not alone --  
19 they are not ATIS translations, they have been care-  
20 fully checked by the Language Section of the I.P.S.,  
21 and we believe them to be accurate, or we would not  
22 put them.

24 THE PRESIDENT: I venture to suggest that  
25 they be put to our Language Arbitration Board, Mr.  
Chief of Counsel, before they are used.

1                   MR. KEENAN: Well, of course, Mr. President,  
2 that would be a most unusual proceeding that hasn't  
3 been followed before, and I don't know, since this  
4 Court is playing no favorites in the dock, why this  
5 witness is entitled to be treated any different than  
any other witness.

6                   THE PRESIDENT: You may not have heard me  
7 or you would never have made such a remark. I said,  
8 to save time, these documents about which a question  
9 might arise should be put to the Language Arbitration  
10 Board before being used. If any question arises later,  
11 we certainly will take the view of the Language Arbi-  
12 tration Board. I made the same suggestion to the  
13 defense.  
14

15                  MR. KEENAN: I was merely adverting, Mr.  
16 President, to the constant practice in this court.  
17 There was no implied criticism.

18                  THE PRESIDENT: Well, we have to keep alter-  
19 ing our practice in order to save time. That is the  
20 only reason we change them.

21                  MR. KEENAN: Well, I might state, Mr.  
22 President, in that regard, that I had been informed  
23 before approaching the lectern that the Language  
24 Division had a copy of each of these SAIONJI excerpts  
25 and had a Japanese translation already prepared. That

1 is the information I received.

2 THE MONITOR: Mr. Prosecutor, we do not have  
3 any Japanese -- either Japanese or English copy. We  
4 have received the English copy, that is, and not the  
5 Japanese copy.

6 MR. KEENAN: I said the Japanese translation --  
7 that the original Japanese, I was informed, had been  
8 turned over to the Language Section. There is  
9 evidently some error, which would not be the first  
10 one that has occurred between counsel and the Language  
11 Division. We are attempting to do that to smooth out  
12 the operation. The Charter doesn't require us to do  
13 that at all.

14 In the meantime, Mr. President, I ask the Court  
15 to give some consideration to this: That the practice of  
16 submitting such documents to the Language Arbitration be-  
17 fore -- the Language Division of the court has not been  
18 followed before. If we do it now, it will naturally  
19 cause some delay in these proceedings.  
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21 THE PRESIDENT: It would save time. It must.  
22 Instead of having these debates in court, everything  
23 would be settled out of court. However, give it con-  
24 sideration during the luncheon adjournment, and we  
25 shall do so.

We will adjourn until half past one.

KIDO

CROSS

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1                   (Whereupon, at 1205, a recess  
2                   was taken.)

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Knapp & Yelde

## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.  
MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now in session.

KOICHI KIDO, an accused, resumed the stand and testified through Japanese interpreters as follows:

THE PRESIDENT: Mr. Chief of Counsel.

MR. KEENAN: Mr. President, the prosecution requests that the witnesses who have been brought here from the Union of the Soviet Republic be required to appear at the termination of the defense of KIDO instead of after his cross-examination -- his examination.

THE PRESIDENT: The Members of the Tribunal  
are agreed that they should be called at the close  
of the whole of KIDO's case.

MR. LOGAN: We have no objection.

## CROSS-EXAMINATION

MR. KEENAN: Mr. President, I think the last question before the recess had to do with asking the witness if he had made a certain statement to Baron HARADA on 21 December 1937. The original

1 Japanese is now in the hands of the language section,  
2 as I understand it, and they can repeat it to this  
3 witness in Japanese.

4 THE MONITOR: Mr. Keenan, we are trying to  
5 locate it among the many documents we have. Will  
6 you give us just a few minutes, please?

7 MR. KEENAN: Language division, that has  
8 been handed to you within the last half or three-  
9 quarters of an hour. Can't you locate it?

10 THE MONITOR: So we understand but there  
11 has been some difficulty locating it among the many  
12 documents we have. Will you give us one more minute,  
13 please?

14 MR. KEENAN: Language section, one of your  
15 members up there has the original.

16 THE MONITOR: Yes, sir; so I understand.

17 MR. KEENAN: It has the place marked in it  
18 for the purpose of being read shortly.

19 THE MONITOR: I am very sorry, sir.

20 MR. KEENAN: I had not known of this  
21 difficulty. In the meantime, Mr. President, the  
22 witness speaks English and reads it, I think, quite  
23 well. It might save a little time to show him the  
24 document in English and I suggest that that be done.

25 Mr. President, I am just informed by the

1 language division that the man who had the diary  
2 in Japanese in that division forgot to bring it up  
3 with him just now.

4 THE PRESIDENT: That is very regrettable.  
5 There is no excuse for that.

6 THE MONITOR: Mr. Keenan, is it possible  
7 to do it by relay until the document comes up here?

8 MR. KEENAN: I suggest that you translate  
9 it to this witness in Japanese. You have the English  
10 in front of you and you have done that frequently.

11 THE MONITOR: Mr. Keenan, we now have it,  
12 sir. We will proceed with the reading of the  
13 Japanese text. (Reading)

14 That concludes our reading.

15 MR. KEENAN: I would like to have the  
16 record show that that was read to the witness from  
17 the original Japanese, not from Japanese into English  
18 and back into Japanese; and the question to the  
19 witness:

20 Q Did you on 21 December 1937 use that language  
21 in expressing yourself to Baron HARADA?

22 THE PRESIDENT: We do not know what the  
23 language was until we hear the Japanese translated  
24 into English.

25 MR. KEENAN: Mr. President, that has already

been read in English to this Court. It is true it  
1 was before the recess and the Court may need to be  
2 minded of it but it has been read in English.

3 THE PRESIDENT: I cannot recall it over  
4 that period. I know it was read but I do not know  
5 what it was. I can refer to the transcript later.

6 Q Will you answer the question, please?

7 A There is quite a difference between the  
8 statement as read to me by the Chief Prosecutor  
9 before the recess and the statement now read in  
10 Japanese.

11 MR. LOGAN: In view of that, if the Tribunal  
12 please, I ask that it be referred to the language  
13 section before this witness is asked any questions  
14 about it.

15 THE PRESIDENT: We will take his answer  
16 and it can be referred again, if necessary.

17 THE WITNESS: I should like to continue my  
18 answer.

19 A Portions that I have heard after the recess  
20 include parts which were not covered in my conversation  
21 with HARADA on that occasion and I am at a loss to  
22 know who made such remarks.

23 THE PRESIDENT: It looks as though he  
24 questions the translation, or Mr. Logan does -- the

1 translation made before lunch. They say now we  
2 heard something different, so we had better have  
3 the English of this too, I suggest, Mr. Chief of  
4 Counsel.

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1                   MR. KEENAN: Mr. President, I suggest that it  
2 does not make any difference about the accuracy of this  
3 translation, if this witness has had read to him in  
4 Japanese what he is supposed to have said, and he is  
5 speaking the Japanese language although he speaks both  
6 of them well, and he can say -- he can say in Japanese  
7 which will be translated to us in English -- whether he  
8 said what he just heard read to him in the Japanese  
9 language.

10                  I suspect, Mr. President, it is possible that  
11 more than I have read from the diary entry has been  
12 translated, in some little confusion that the Court has  
13 noted, and I think the safer way would be for me to repeat  
14 the short paragraph, even at the expense of a little  
15 bit of time, because it is rather important, so that  
16 this witness would in no manner be misled. So I would  
17 ask the Language Section, to save time, for simultaneous  
18 reproduction of this paragraph on IPS document 3150,  
19 starting "That day I, HARADA, met KIDO. KIDO said..."  
20

21                  Can the Language Section follow that?

22                  THE MONITOR: Yes, sir.

23                  MR. KEENAN: I will then repeat to you the  
24 question again.

25                  Q   Did you, Mr. KIDO, say to HARADA on the date  
                       mentioned, "The whole matter has been disorderly and I

1 said plenty at the Cabinet meeting. I wonder if General  
2 Staff Headquarters hasn't committed various stipulations  
3 concretely through the German Military Attaché in  
4 Tokyo. I feel it very dangerous to see the army and  
5 navy, especially the army, or rather General Staff  
6 Headquarters, so anxious to press the peace solution.  
7 If we submit many concrete stipulations and they turn  
8 it down we are only letting them in on what we want.  
9 It will all be a loss, with no gain. I am very worried,  
10 wondering why they are in such a hurry.

11 "Today at the Cabinet meeting I made a strong  
12 assertion and said it is necessary that they (peace  
13 stipulations) be more abstract and contain something  
14 to cover everything. What need is there to force our-  
15 selves into asking Germany? It is very strange that  
16 General Staff Headquarters is so eager. I am worried  
17 that Germany might put one over on us."

18 Does the witness understand that there is a  
19 question put to him, whether or not he made that state-  
20 ment to Baron HARADA?

21 A I don't recall whether I met HARADA on that  
22 day, nor whether I had such a conversation with him,  
23 but on consulting my diary I find that I had dinner with  
24 HARADA and two or three others on that day, and there-  
25 fore it is possible that we may have talked on various

1       matters at that dinner. Therefore, since this conversa-  
2       tion, if it did take place, was on the occasion of a  
3       dinner party, I can hardly think that I could have  
4       talked on the subject in such a connected way -- a  
5       systematic and organized way.

6           I cannot now say for certain that I did talk  
7       to HARADA in exactly that fashion. In regard to the  
8       Cabinet meeting, however, which is mentioned in that  
9       conversation, as I have already replied to you, after I  
10      put my question in the Cabinet meeting, the meeting was  
11      thrown into considerable confusion.

12           In regard to depending on Germany, I had no  
13      faith in Germany at the time, and furthermore, Germany  
14      had sent several scores of military advisors to China.  
15      Therefore, I had considerable doubt as to the intentions  
16      of the General Staff in requesting that the conditions  
17      be made specific and that they be presented in such  
18      haste. And therefore I did have the feeling that we  
19      were being tricked by Germany.

20           Since those were the actual conditions, I can-  
21      not say that I never talked with HARADA along those  
22      lines at all. I was also suspicious of the fact that  
23      diplomatic -- of the reasons why diplomatic negotiations  
24      were not left in the hands of the Foreign Ministry.

25           Q     Do you recall anything in the paragraph that I

1 have read that sounds very unlikely to have been said  
2 by you, that would not have reflected your basic views  
3 at that time?

4 A On the whole, I believe you can say that my  
5 ideas are faithfully represented there, but I am some-  
6 what surprised at the strong language employed.

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Q What entries in your diary did you consult with reference to this record of SAIONJI's Diary to which I just referred?

A All I did was to look in my own diary.

Q When did you do that?

A During the recess.

Q And you don't remember what dates you examined? I suppose they would be the dates around 21 of December, 1937, wouldn't they?

A Since you said a while ago that I met HARADA on the 21st of December, 1937, I looked up the entry in my diary for that date.

Q Now, coming to your conversation that I referred to with Prince CHICHIBU, did you have a conversation with HARADA on 14 January, 1938, do you recall, or thereabouts?

A I don't recall.

Q Well, I'll ask you if you recall saying to HARADA on the 12th of January, 1938 the following?

Language Section, I am referring to the entry of the date of 14 January, 1938, in the next to the last paragraph, chapter 260. It starts, "Moreover, according to KIDO's conversation on or about the evening of the 12th: 'Two or three days ago!'"...

I will ask you then, KIDO, if you made this  
statement to HARADA on 12 January, 1938: "Two or  
three days ago Prince CHICHIBU requested that I (KIDO)  
come over by all means. Therefore, I called on him  
at his palace. Prince CHICHIBU, with opinions which  
made it appear as though he was representing the  
Army General Staff, questioned me in the following  
manner: 'On what grounds is the government refrain-  
ing from concluding the present hostilities even a  
day sooner? How much longer do they think that  
Japan's financial strength will last anyway?' To the  
above questionings, I (KIDO) explained the circum-  
stances at length. I discussed the various situations  
with His Highness from 8:30 to a little past 10:00  
o'clock. In the course of the conversation, Prince  
CHICHIBU remarked, 'The present hostilities differ  
from that of the Sino-Japanese and the Russo-Japanese  
War in that we are not waging war against the people  
of China but against the Chiang Kai-shek regime.  
Therefore, from a broad standpoint, why not liquidate  
the friction to date and clasp hands?' To this I  
(KIDO) replied, 'Even if the present situation dif-  
fers from the Sino-Japanese and the Russo-Japanese  
War, it is impossible after our Japanese troops have  
killed 700,000 to 800,000 soldiers of the Chinese

1 Army to look grave and say "Let us shake hands" and  
2 truly mean it. Furthermore, is Japan a victorious  
3 nation or a defeated one? Is it for a victorious  
4 nation to say "We, by all means, would like to make  
5 peace as soon as possible" by submitting all kinds  
6 of terms? If, by doing so, we show our true colors  
7 and should the opponent refuse to respond to this,  
8 they will, in reverse, use this as a means for propa-  
9 ganda, saying "Japan's internal condition is such and in  
10 **very straightened circumstances.** With these terms,  
11 she (Japan) has expressed hopes for peace."

12 That is the end of this quotation.

13 A I have no recollection of having said what  
14 you have just read to me, nor do I believe from what  
15 I hear now that that reflected my true thoughts at  
16 the time sufficiently. I did tell Prince CHICHIBU  
17 at the time of the cabinet meeting of what happened  
18 there, but I have no recollection of having told him  
19 my own opinions in the way you describe.

20 Q Do you recall, for example, using the ex-  
21 pressing "It is impossible, after our Japanese troops  
22 have killed 700,000 to 800,000 soldiers of the  
23 Chinese Army, to look grave"? Do you remember using  
24 that expression or, in substance, those words as  
25 having been repeated by you to Prince CHICHIBU?

1                   MR. LOGAN: If the Tribunal please, it may  
2                   be that the Chief Prosecutor has mistaken this entry  
3                   in his diary because he said that the conversation  
4                   ended after the words "hopes for peace," but, as a  
5                   matter of fact, there are twenty or twenty-five  
6                   lines more . . .

7                   MR. KEENAN: I intend to read those.

8                   MR. LOGAN (Continuing) -- also part of the  
9                   conversation which, if read at this time, might help  
10                  refresh the witness' recollection.

11                  MR. KEENAN: Mr. President, I have that  
12                  present and would be very glad to comply with the  
13                  learned defense counsel's request.

14                  If such propaganda should be spread both  
15                  at home and abroad, it will result in Japan being  
16                  put at a disadvantage. For example, this will cause  
17                  a slump in the yen exchange and government securities  
18                  as well as loss of confidence in the government's  
19                  (Japan) economics and finance. It will also result  
20                  in the nation not being able to purchase any commodi-  
21                  ties and prices of goods will soar and become a menace  
22                  to internal peace. Diplomacy is, of course, neces-  
23                  sary to conceive a plan for peace, but unless this  
24                  is handled in such a way that the settlement is solid,  
25                  for example, if things are handled in a manner the

1 General Staff Headquarters desires, I shall have no  
2 end of worry for the government."

3 Your counsel has suggested, Mr. KIDO, hav-  
4 ing read that which I omitted, that that might help  
5 you now recall that you did have such a conversation  
6 with Prince CHICHIBU and so repeated to Baron HARADA.

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1       A I am sorry I have no recollection on that point.  
2 Especially in reference to that part of your reading  
3 concerning the killing of 700 to 800,000 Chinese, at  
4 that time I had received no information of the kill-  
5 ing of any such large number of Chinese troops; and as  
6 for the fact that because of this we were unable to try  
7 to effect peace with the Chinese, even in the previous  
8 cabinet meeting that thought never once entered my  
9 head. I do seem to recall that I talked to Prince  
10 CHICHIBU of what had transpired in the cabinet meet-  
11 ing and that I felt the army general staff had some  
12 kind of behind-the-scenes deal with Germany, and that  
13 I feared whether such negotiations carried on through  
14 Germany would have any success. Furthermore, I recall  
15 that after having talked on various subjects, at the  
16 very end the Prince said that the whole fault really  
17 lies with SUGIYAMA, "because he hasn't told me about  
18 everything."

20                 Correction: "because he hasn't done a good  
21 job of liaison."

22                 Among the various topics on which I talked with  
23 Prince CHICHIBU, that remains in my mind. At the very  
24 end we parted in a very amicable atmosphere, the Prince  
25 and I exchanging laughter. That is my impression of  
the meeting. That is what remains the clearest in my

1 memory at this date.

2 Q Well, do you recall if you held those views at  
3 that time, that it would be dangerous for Japan  
4 economically if the negotiations for peace fell through,  
5 regardless of what you said to Prince CHICHIBU or  
6 Baron HARADA?

7 A My main anxiety at the time was, supposing  
8 Japan presented China with a set of definite terms,  
9 and supposing China rejected those terms, she would  
10 utilize that rejection as a means of creating counter  
11 propaganda, which would succeed in creating internal  
12 disturbances in Japan that would have an adverse effect  
13 on Japan's economy as well as in other fields.

14 Q Isn't that one of the reasons why you weren't  
15 in favor, as a cabinet member, of giving China, or  
16 Chiang Kai-shek, concrete or specific terms, and if  
17 those terms became known and you did not get a settle-  
18 ment, it would be highly embarrassing back here in  
19 Japan, isn't that true?

20 A That is what I was afraid of -- that is what I  
21 was worrying about.

22 Q So, as a matter of fact, the terms were not  
23 very concrete at all, were they, the terms that were  
24 given to the German ambassador to pass on to Chiang  
25 Kai-shek?

1           A   The Foreign Minister conducted negotiations on  
2         the basis of our terms, which by that time had been  
3         gathered up into -- summarized in four main points.  
4         However, at the same time the Cabinet had already  
5         decided the specific terms and had left the handling  
6         of the matter in the hands of the Foreign Minister.

7           Q   Well, as a matter of fact, these terms, what-  
8         ever they were -- you seem unable to describe them  
9         now or remember them -- were passed on to the Chinese,  
10        to Chiang Kai-shek or Nanking, through the German am-  
11        bassador with a time limit set for their acceptance,  
12        isn't that true?

13          A   Really, I don't know how or in what manner the  
14         Foreign Minister conducted foreign negotiations with  
15         the Chinese on the basis of these terms. I do remember  
16         that at the cabinet meeting we had decided that the  
17         matter shall be settled by the end of the year.  
18

19           Correction: "To the German ambassador" instead  
20         of "to the Chinese side."

21           But whether in the language of diplomacy  
22         that can be called a time limit or not, I do not know.

23           Q   Well, you say in your affidavit, on page 65,  
24         at the end of paragraph 81, before the diary entry,  
25         "It was suggested at the cabinet meeting of December  
18, 1947, that Chiang Kai-shek's answer should be re-

1           quested before the end of the year."

2           That was correct, wasn't it?

3           A    Yes, as I have just stated to you.

4           Q    And in your diary you used the expression,  
5           diary the 18th of December, 1937, "The deadline  
6           should be fixed as about the end of this year."

7           A    Yes.

8           Q    Didn't that occur to you to be a rather brief  
9           period of time to get an end to a matter that had so  
10           many ramifications and had been fought out so long if  
11           you intended really to make peace with China?

12           A    Well, that decision was reached after an ex-  
13           planation by the Foreign Minister, and since I was not  
14           an expert on those affairs, I didn't give much further  
15           thought to it.

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1           Q   Is it not somewhat suggestive of the same  
2 procedure followed by your Axis colleague at Berlin a  
3 day or two before the outbreak of the great war in  
4 Europe in 1939?

5           MR. LOGAN: I object to the form of the ques-  
6 tion, if the Tribunal please, as assuming a state of  
7 facts the burden of which it is upon the prosecution to  
8 prove.

9           MR. KEENAN: Mr. President, the question might  
10 be thought to be somewhat argumentative. I will withdraw  
11 it.

12          Q   In any event, you got word back from the Germans  
13 about their parleys or meetings with Chiang Kai-shek,  
14 didn't you?

15          A   On the 14th of January in the middle of a cabinet  
16 meeting, the German ambassador asked to see the Foreign  
17 Minister and when the Foreign Minister returned he  
18 brought with him the Chinese reply.

19          Q   Well, what was the Chinese reply, briefly?

20          A   I don't know the details. I just heard the  
21 Foreign Minister make his report on the subject. In  
22 fact, I do not know whether there was an official reply  
23 by the Chinese side or not. The Foreign Minister's  
24 report was to the effect that at this late date the  
25 Chinese side was still requesting explanation of various

1 points in our terms and they showed no signs of being  
2 sincere in wanting peace.

3 Q Well, you, yourself, have indicated on the stand  
4 today, I believe, that the terms were not concrete and  
5 were not specific and that as far as you were concerned  
6 you thought it would be a mistake to make them that way.  
7 Isn't that fair? Isn't that a fair resume of what you  
8 said?

9 A What I meant by making the terms general, by  
10 making them a general outline was in effect -- was in  
11 order to bring about a successful conclusion of the  
12 negotiations.

13 Q Well, you used the term twice in relation to  
14 this in your affidavit, epitomizing or epitomization  
15 of peace terms. Wouldn't that describe your concept  
16 of what the terms were, the manner in which they were  
17 conveyed by the Foreign Minister of Japan to the German  
18 Ambassador?

19 A I am sorry I was unable to get your meaning.  
20 May I have it repeated, please?

21 (The question was read by the Japanese reporter)

22 A Thank you. I understood. What I meant was that  
23 the negotiations be conducted by epitomizing the peace  
24 terms and you have quoted me correctly.

25 Q Well, I will quote you again, and I hope correctly

1 from your diary of December 18, 1937. Did not you say  
2 at that time, describing the cabinet meeting of that date:  
3 "We decided we would leave it to the Foreign Minister  
4 and to let the ambassador sound Chiang's views by show-  
5 ing comprehensive conditions of our intention and re-  
6 fraining from showing details as far as possible." Was  
7 that not correct?

8 A Yes, as you have said. If I may be permitted  
9 to make an explanation, I should like to do so.

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Q Well, I would rather you would do it in  
1 just a moment or two if you don't mind because I am  
2 going to go to page 64 of your affidavit and paragraph  
3 80 and remind you that you said there: "Prince KONOYE  
4 was anxious to restore peace with China without a  
5 single day's loss, so that he agreed to the abstract  
6 epitomization of peace terms, not to obstruct the  
7 peace negotiation, but on the contrary make room for  
8 a future concession so as to ensure success for the  
9 peace negotiation."

My question is, if those cabinet instructions  
11 were carried out by this Foreign Minister for the very  
12 purposes you have stated, would it not be entirely in  
13 line of reason for Chiang Kai-shek, or the Nanking  
14 Government, to come back and ask for further details  
15 under such circumstances?

A Since the course of the negotiations them-  
18 selves was left completely in the hands of the Foreign  
19 Minister, including any replies the Chinese side may  
20 have made, I know nothing about what transpired later.

Q I haven't asked you about what transpired  
22 later, but I have asked you if you won't admit here  
23 today that it was perfectly obvious that if the inten-  
24 tions of your cabinet were carried out the terms would  
25 be so general and lacking in specific detail that it

would be quite natural that you would get an inquiry  
back from Chiang Kai-shek requesting more details?  
That's the question.

A I suppose it was but natural that they should  
make further inquiries.

Q Well, it was intended by Prince KONOYE that  
there would be room left in the terms for some con-  
cessions to China, and did he so state to you?

A Yes, he did so tell me.

Q Now, as a matter of fact as a result of the  
inquiry for further terms the door was slammed in  
Chiang Kai-shek's face, and he was told there would  
be no further dealing with him, is that not correct?

A Yes, that is so, and in other words the Foreign  
Minister reported to the cabinet that Chiang Kai-shek's  
regime had shown no sincerity in desiring to continue  
their negotiations whatsoever, and was still very vague  
and ambiguous, and that there was no point in continuing  
the negotiations.

Q Well, you as a champion of peace with China,  
what kind of a battle did you put up at that critical  
moment to attain your end for which you entered the  
cabinet?

THE MONITOR: Will the reporter please read  
the previous answer?

(Whereupon, the reporter read  
as follows: "Yes, that is so, and in other  
words the Foreign Minister reported to the  
cabinet that Chiang Kai-shek's regime had  
shown no sincerity in desiring to continue  
their negotiations whatsoever, and was still  
very vague and ambiguous, and that there was  
no point in continuing the negotiations.")

9 THE INTERPRETER: Correction: Addition  
10 to the previous statement by the witness: Following  
11 the Foreign Minister's report the cabinet arrived at  
12 its decision.

Q Did you ask the Foreign Minister on what grounds he based his conclusion that no bona fides were being shown by Chiang Kai-shek?

16 A I am afraid I don't recall whether I did or  
17 did not question him.

18 THE PRESIDENT: We will recess for fifteen  
19 minutes.

(Whereupon, at 1445, a recess was taken until 1500, after which the proceedings were resumed as follows:)

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1 MASTERS OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Chief of Counsel.

4 BY MR. KELMAN (Continued):

5 Q May the witness be handed the original docu-  
6 ment of KIDO's diary for the 21st of December, 1937?

7 A I have seen it.

8 Q I ask you to refer to paragraph 82 of your  
9 affidavit, testimony, page 65 in the English text.  
10 Exhibit 2259, an extract from your diary of 21 Decem-  
11 ber 1937 is very brief, a few lines.

12 "At 10 a. m. I had a cabinet meeting in which  
13 we deliberated on the negotiations with China, draft  
14 of the answer to the German Ambassador and counter-  
15 measures for the China Affair. I urged the necessity  
16 of creating cultural measures in North China."

17 Paragraph 82, the second sentence, you say  
18 as to exhibit 2259:

19 "As that exhibit also shows, we discussed at  
20 the cabinet meeting the principles for dealing with  
21 matters concerning the Affair and I maintained that  
22 policies for cultural movement towards China should be  
23 established instead of carrying out military activities  
24 to no purpose."

25 Now those words, "instead of carrying out

1 military activities to no purpose," are not contained  
2 in our excerpt, 2259, as you can see. Will you tell us  
3 where they are contained, if they are, in any part of  
4 the diary of 21 December 1937, which I have just handed  
5 to you?

6 A This word is used here in order to explain  
7 what I said, and I do not believe that you can find it  
8 in my diary.

9 Q You did make a diary entry about the momentous  
10 event that occurred in January when Chiang Kai-shek was  
11 given notice that there would be no further dealings  
12 with him? Do you recall that?

13 A I believe I did record something -- I believe  
14 I did record it.

15 Q Now, you remained in the KONOYE Cabinet, the  
16 first KONOYE Cabinet, until its resignation?

17 A Yes.

18 Q And did you have any part in bringing ITAGAKI  
19 from China to Tokyo as War Minister?

20 A I did receive some consultation from KONOYE  
21 on the matter, but that is the extent of my participa-  
22 tion.

23 Q I believe you have told us that you didn't know  
24 ITAGAKI beforehand, before he came there as War Minister?

25 A Yes, I didn't know him. Of course, strictly

speaking, I had met ITAGAKI before, that is to say, in  
1 1932, when I heard him give a lecture; but I did not  
2 actually talk to him on that occasion, and I do not  
3 think that I can really be said to have known him until  
4 he entered the cabinet.

Q Do you remember on or about the 23d of May,  
6 1938, saying to Baron HARADA, "The Chief of the Personnel  
7 Bureau has gone to North China to approach ITAGAKI. I  
8 think there will be reply from Tientsin either tomorrow  
9 night or the night after that, in which case everything  
10 will move smoothly"?

A I don't recall that very well. However, what  
12 I do remember is that Prince KONOYE told me that FURUNO  
13 had been sent to persuade ITAGAKI. To this day I cannot  
14 recall that the Chief of the Personnel Bureau ever went  
15 to try to persuade ITAGAKI. I believe HARADA must be  
16 under some misapprehension as to the source of this  
17 information because I am sure I didn't actually say that.

Q Well, did you discuss with KONOYE the matter  
20 and did KONOYE say, "If SUGIYAMA resigns as Minister of  
21 War I would like to put up a combination of ITAGAKI and  
22 TOJO"?

A I don't remember having heard anything to that  
24 effect. I think what you have just told me is wrong.  
25 In fact, KONOYE expressed his dissatisfaction to me that

KIDO

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1 the army had appointed TOJO Vice-Minister before  
2 ITAGAKI had been appointed War Minister.  
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4 I do not believe it was too long before, though,  
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8 I do not know that it was understood that  
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1 Q How long was TOJO appointed Vice-Minister before  
2 ITAGAKI was appointed War Minister?

3 A I have forgotten exactly how many days before.  
4 I don't believe it was too long before, though.

5 Q Just a matter of four or five days, wasn't it?

6 A Well, anywhere between four or five days to  
7 a week.

8 Q But you say that if I make the statement that  
9 KONOYE said that if SUGIYAMA resigns as War Minister  
10 he would like to put up a combination of ITAGAKI and  
11 TOJO, that I am quoting something that KONOYE never said,  
12 in your opinion; is that right?

13 MR. LOGAN: If the Tribunal please, I cannot  
14 see how this accused's opinion as to something KONOYE  
15 might or might not have said is going to be of much  
16 value. There is no evidence here that Mr. KIDO was  
17 present and heard KONOYE tell this to HARADA.

18 MR. KEENAN: Mr. President, I do not believe  
19 that I am confined in cross-examining this witness, to  
20 disclosing where the evidence is or what evidence. I  
21 am asking him. He volunteered the statement that I was  
22 mistaken.

23 THE PRESIDENT: The question is allowed.

24 A I didn't say what you said was a mistake. What  
25 I want to say is that what you say that KONOYE told

1 HARADA and what I say that KONOYE told me do not agree,  
2 and, therefore, I cannot believe that KONOYE expressed  
3 such opinions on the question of personnel shifts to  
4 HARADA.

5 Q Mr. KIDO, I did not ask you what KONOYE said  
6 to HARADA. I asked you if KONOYE ever made such a  
7 statement that you knew of.

8 A That I do not know.

9 MR. KEENAN: Before passing from this subject,  
10 I would like to have exhibit 3263, both in Japanese  
11 and English, shown to the witness.

12 There isn't such exhibit? I would rather  
13 have the exhibit here, but do we have another copy of  
14 this?

15 Q I will ask the witness, while we are waiting  
16 for the exhibit, if you recall a cabinet meeting that  
17 took place 24 December 1937, wherein outlines of measures  
18 for the China Incident were made, and policy for the  
19 management of North China, and policy for political  
20 supervision, policy for economic development, and a  
21 national policy and policy for the establishment of a  
22 national policy company was to be established for the  
23 development and control of economy in North China?

24 A I didn't remember that meeting, but on looking  
25 in my diary, which I have here, I find that such a

1 meeting was held on that day.

2 MR. KEENAN: May the witness be shown that  
3 exhibit? Thank you.

4 (Whereupon, a document was handed to  
5 the witness.)

6 THE WITNESS: I have glanced through it.

7 Q Do you remember the meeting at which these  
8 extensive outlines and measures were carried on?

9 A As I said, I didn't remember about this meet-  
10 ing at all but it just happened that my diary for that  
11 year is here with me in the witness box, and on looking  
12 at it I find that in my entry for that day there was a  
13 cabinet meeting; so I suppose that the measures which  
14 you have told me about were studied in that meeting.  
15

16 Q Do you remember that the cabinet decision was  
17 to the effect -- and I quote from this exhibit; it is  
18 taken from the official records of the Government of  
19 Japan: "This purport of the above policy shall be  
20 declared to the whole world at a suitable occasion"?  
21 First page.

22 A Yes, it is so written.

23 Q And do you remember that it provides for the  
24 creation of an inseparable relation between Japan,  
25 Manchuria, and China economically, with a statement:  
"We shall promote the realization of these objects and

1 gradually expand and strengthen this regime which shall  
2 be supervised to become the leading power of reconstructed  
3 new China"?

4 A I can't find the place you just quoted.

5 Q I will call your attention to paragraph (2)  
6 on the second page in English. I think you will be  
7 able to locate it with that document with your knowl-  
8 edge of the two languages rather easily.

9 You have it?

10 A Yes, I have it.

11 Q I call your attention specifically to this  
12 sentence: "The areas to be included by the new North  
13 China Regime shall depend on the development of the  
14 military operations." Do you recall that?

15 A Yes, it is written here.

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W 1 Q Did you approve of that decision at the  
O 2 cabinet meeting of December 24, 1937, or did you  
f 3 dissent from it?

& 4 A I believe that, as a member of the cabinet,  
L 5 I agreed to it at the time.

L 6 This type of policy and this type of  
e 7 measure was studied and reported to the cabinet by  
f 8 the ministers in charge of the various ministries  
l 9 competent to deal with the matter, and I, as the  
e 10 Minister of Education, had no special interests in  
r 11 these policies, and therefore my connection with the  
12 matter was limited to approval of the measure after  
13 it had been submitted to the cabinet as a whole.

14 Q But, Mr. KIDO, have you forgotten your  
15 statement that the very purpose you entered the  
16 KONOYE Cabinet was to bring about peace between  
17 China and Japan? Wouldn't that cause you to be ex-  
18 ceedingly interested in matters that went into Japa-  
19 nese control over China or parts of it?

20 A Yes. If this measure had been adopted for  
21 aggressive purposes, I should have opposed it, but  
22 the explanation given at the time was that the areas  
23 occupied by the Japanese Army had expanded a great  
24 deal and that it was not wise that unrestricted --  
25 to permit an unrestricted influx of Japanese into

1 those areas and that, therefore, a certain amount of  
2 guidance was necessary and certain policies had to  
3 be laid down. In that sense, I agreed with these  
4 measures.

5 Q You didn't consider political subdivisions  
6 that were the areas or the population of which was  
7 dependent upon military operations brought under  
8 control by any aggressive means through using an  
9 Army, did you?

10 THE MONITOR: Will you repeat the question,  
11 please? .

12 Q I will reframe the question.

13 When the decision was reached that the extent  
14 of North China, as laid out in these plans, were  
15 dependent upon the military movements, did they not  
16 refer to the military movements of the Japanese Army?

17 A That is so.

18 Q But, you wouldn't consider the territory that  
19 was politically controlled as a result of successful  
20 military movement was so controlled by any aggression?

21 A To begin with, I never considered the China  
22 Incident as an aggressive war, but I deplored the war  
23 with China -- I certainly did deplore the hostilities  
24 going on with China.

25 Q Well, you thought that the military troops

1 over in -- Japanese troops over in China at that time  
2 were needed for the purposes of defending Japan?

3 A No.

4 Q Well, you do know that there were about a  
5 million troops over in China during 1938 while you  
6 were a member of the cabinet, a million Japanese  
7 troops?

8 A I don't recall the figures exactly, but  
9 even at its maximum I don't believe the number of  
10 Japanese troops reached that amount, that figure.

11 Q Well, they were in the neighborhood of  
12 three-quarters of a million, weren't they?

13 A I believe somewhere around that figure.

14 Q And, they weren't over there for the purposes  
15 of training, were they? Or were they?

16 A Of course not.

17 Q In your interrogations that were conducted  
18 in December of 1945 and January and perhaps February  
19 of 1946, did you not, in substance, say that you  
20 thought the movements in Manchuria initially were  
21 defensive but after that they could not be so called?  
22 Didn't you say that, in substance?

23 A I may have said -- made such a remark. I  
24 don't remember, though.

25 Q What do you say as to it being true as a

1 statement of your belief? You wouldn't have stated  
2 it if it wasn't true.

3 A As far as the Manchurian Incident was con-  
4 cerned, I did so think at the time.

5 Q Well, now, let's get it clear what you  
6 thought. You thought it was -- it didn't continue  
7 to be defensive, is that it? Or, it was aggressive  
8 initially or defensive later, which?

9 A Are you referring to the Manchurian Inci-  
10 dent?

11 Q I am referring to the invasion of Manchuria  
12 of your troops over there during 1931 and afterwards.

13 A I recall that I said that in the beginning  
14 the action of the Japanese troops was taken in exer-  
15 cise of the right of self defense, but when that was --  
16 later went so far that the establishment of a new  
17 state began to be advocated, I thought that things  
18 were going too far.

19 Q You didn't agree then with the action of  
20 Japan in relation to Manchukuo, in substance? Is  
21 that correct, to state it briefly?

22 A Yes.

23 Q If it wasn't defensive -- I withdraw that.

24 Q Coming back to your contribution to peace  
25 and your battle with the military elements, do you

1 recall the advent of ITAGAKI and TOJO as Minister  
2 and Vice-Minister, respectively, in the First KONOYE  
3 Cabinet?

4 A I recall.

5 Q And, didn't you consider the Kwantung Army  
6 a rather dangerous breeding ground for pacifist  
7 members of the cabinet?

8 A I could not quite get the meaning of your  
9 question, but, in any event, the composition of the  
10 Kwantung Army, at the time of the Manchurian Incident  
11 and at the time of the China Incident and at the time  
12 of which you are now speaking, is quite different.  
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1           Q    Then the KONOYE Cabinet, the First KONOYE  
2 Cabinet, resigned or fell -- I will withdraw that  
3 question.

4           Do you remember Major-General IMAMURA,  
5 Hitoshi?

6           A    I don't know him.

7           Q    Do you remember that he was Deputy Chief of  
8 Staff of the Kwantung Army?

9           A    I don't know.

10          Q    Or Colonel TOMINAGA, Kyoji?

11          A    I don't know him.

12          Q    When the First KONOYE Cabinet fell, ITAGAKI  
13 remained as War Minister in the succeeding one and  
14 you became Home Minister of the succeeding one; is  
15 that not true?

16          A    Yes.

17          Q    Did you, Mr. KIDO, favor the military  
18 alliance with Germany in the years of 1938 and 1939?

19          A    I was not in favor of it.

20          Q    I didn't hear that answer.

21          THE INTERPRETER: "I was not in favor of it."

22          Q    Can you tell us, briefly, what the cause  
23 was of the fall of the First KONOYE Cabinet as you  
24 view it?

25          A    KONOYE had already been saying that he

1 wanted to resign because all his policies were  
2 ending in deadlock and nothing favorable seemed  
3 to be developing. On December 17, when he met  
4 me, he told me that there was even a plan now afoot  
5 to extend the Anti-Comintern Pact with Germany to  
6 include common defense against England and France.  
7 If such a thing was to come about, he felt that  
8 nothing that he could do would be of any use and  
9 that he wanted -- and therefore he wanted to resign.  
10 That was one of his reasons. I was in agreement  
11 with what Prince KONOYE told me and we started our  
12 activities with a view to having the Cabinet resign.

13 Q But KONOYE stayed out and you went on with  
14 the new cabinet; isn't that true?

15 A KONOYE also entered the HIRANUMA Cabinet  
16 as a minister without portfolio.

17 Q Oh, yes. But did you stay throughout the  
18 HIRANUMA Cabinet?

19 A Yes.

20 Q And the subject matter of the Tripartite  
21 Agreement, the so-called military alliance between  
22 Germany and Italy continued to be discussed and con-  
23 sidered during that time, didn't it?

24 A Yes.

25 Q And you were still continuing to oppose it,

1 I take it?

2 A On that point, some explanation is necessary.

3 Q Well, I would rather that you give that  
4 at another time unless it is necessary. I would  
5 like to know first, whether you continued to  
6 oppose the military alliance with Germany while you  
7 were a member of the HIRANUMA Cabinet. It seems  
8 to me that could be answered, generally, "yes" or  
9 "no." If it cannot be, why please tell me.

10 A I myself was -- continued to oppose this  
11 alliance, but the matter was investigated thoroughly  
12 in the Five Ministers Conference. It was in March  
13 that I first heard from the Foreign Minister regarding  
14 the progress of these investigations, and I felt  
15 that as an actual -- that practically speaking, it  
16 was difficult to oppose this proposed measure. I  
17 thought that it would be difficult to oppose this,  
18 and so I agreed that if the proposed agreement with  
19 Germany was to be merely to the extent of strengthening  
20 the Anti-Comintern Pact in such a way as would not  
21 aggravate Great Britain and America, I would not  
22 oppose it. That was the attitude I then took.

23 Q Well, calling your attention to exhibit  
24 2269, which is very brief and consists of six lines,  
25 I will read it to you:

1            "At 1:30 p.m. I conferred with Premier  
2       HIRANUMA on the military alliance and emphasized  
3       that in the event of its ending in failure, it  
4       would have a dangerous effect upon the domestic  
5       situation and would be a decisive disadvantage to  
6       the settlement of the China Incident, and requested  
7       him to exert his increased efforts."

8            I assume, Mr. KIDO, that you attempted  
9       at that time to write down your real feelings and  
10      a correct statement of what you said to Premier  
11      HIRANUMA. Would that be a violent assumption or  
12      a correct one?

13           A     Of course, I wrote with a view not to  
14       giving a wrong impression, but the extract is too  
15       short. My real feelings were, as I have just explained  
16       to you, that the Pact be concluded in such a way  
17       as not to aggravate or create suspicions on the part  
18       of Great Britain and America, and I said that I  
19       hoped that further efforts will be made by the  
20       Prime Minister along that line.

22           Q     You said they would have a dangerous effect  
23       on the domestic situation if you failed in getting  
24       your military alliance. Of course, you meant a  
25       military alliance with Germany and Italy, didn't you?

A     Yes.

1           Q   And you also said that it would be a  
2       decisive disadvantage in the settlement of the  
3       China Incident. Did you mean that?

4           A   Yes, that is so.

5           Q   And those two conclusions do not need  
6       qualifications, do they, as to their being true?

7           A   Well, of course, if I started explaining  
8       there would be no end to it, but I did not write  
9       what was -- What I wrote is true. If I wanted to  
10      explain, I feel I could explain, but I feel that  
11      what I said is true.

12           THE PRESIDENT: We will adjourn now until  
13      half-past nine tomorrow morning.

14                           (Whereupon, at 1600, an adjournment  
15      was taken until Wednesday, 22 October, 1947  
16      at 0930.)  
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